

SENATE BILL NO. 277

April 18, 2019, Introduced by Senators CHANG and BARRETT and referred to the Committee on Judiciary and Public Safety.

A bill to provide definitions for the forensic science commission act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known and may be cited as the
2 "forensic science commission definitions act".

3 (2) As used in the forensic science commission act:

4 (a) "Commission" means the forensic science commission created
5 in section 3 of the forensic science commission act.

6 (b) "Corrective action" means an action taken to control and

1 correct issues of and address the consequences of nonconformance.

2 (c) "Forensic analysis" means a medical, chemical,
3 toxicological, ballistic, or other expert examination or test
4 performed on physical evidence, including DNA evidence, for the
5 purpose of determining the connection of the evidence to a criminal
6 action. Forensic analysis includes an examination or test requested
7 by a law enforcement agency, prosecuting attorney, criminal suspect
8 or defendant, or court in a criminal action. Forensic analysis does
9 not include an expert examination or test, including, but not
10 limited to, a statistical or engineering analysis, conducted for
11 the purpose of opining on a specific aspect of the forensic
12 evidence or the type of forensic test utilized, or an expert
13 examination or test conducted principally for the purpose of
14 scientific research, medical practice, civil or administrative
15 litigation, or other purpose unrelated to determining the
16 connection of physical evidence to a criminal action.

17 (d) "Forensic analyst" means an individual who technically
18 reviews or performs a forensic analysis or draws conclusions from
19 or interprets a forensic analysis for a forensic laboratory.

20 (e) "Forensic laboratory" includes a public or private
21 laboratory or other entity that conducts a forensic analysis.

22 (f) "Forensic medical service provider" means a forensic
23 medicine agency or forensic medicine practitioner providing
24 forensic medicine services.

25 (g) "Forensic medicine" means the application of medical
26 knowledge and practices to the investigation of the medicolegal
27 aspects of death, injury, neglect, or behavior.

28 (h) "Forensic medicine agency" means an entity, or an agency
29 of this state, that employs forensic medicine practitioners and

1 issues reports prepared by forensic medicine practitioners.

2 (i) "Forensic science" means the field of study of medical,
3 chemical, toxicological, ballistic, or other expert examinations or
4 tests performed on physical evidence, including DNA evidence, for
5 the purpose of determining the connection of the evidence to a
6 criminal action, except that forensic science does not include the
7 study of the portion of an autopsy conducted by a medical examiner
8 or other forensic pathologist who is a licensed physician.

9 (j) "Forensic science agency" means an entity, or an agency of
10 this state, that employs forensic science practitioners and issues
11 reports prepared by forensic science practitioners.

12 (k) "Forensic science service provider" means a forensic
13 science agency or forensic science practitioner providing forensic
14 science services.

15 (l) "Nonconformance" means a mistake in the course of the
16 forensic science process that has affected the accuracy and
17 reliability of the work of forensic science service providers.

18 Enacting section 1. This act takes effect 90 days after the
19 date it is enacted into law.

20 Enacting section 2. This act does not take effect unless
21 Senate Bill No. 276 of the 100th Legislature is enacted into law.